

June 2006

NEW LAWS AFFECTING ALCOHOL

The following is a partial listing of new or amended laws passed by the General Assembly:

SB97—TRANSITIONAL LICENSE

This statute will allow the Office of Alcoholic Beverage Control to issue a transitional license during the time a transfer of an ongoing business is being processed; this law will provide limitations on the use of the transitional license. Persons interested in buying a business with an alcoholic beverage license should contact our Office at 502/564-4850 for more information. Effective 7/2/06.

SB56—RECORKING WINE BOTTLES

This law will permit a restaurant licensee to allow a patron to remove an opened or partially consumed bottle of wine from the restaurant for consumption off premises. The law requires the restaurant or its employee to reseal the wine and place the bottle in a bag or other container where the bottle's subsequent opening or tampering with can be detected and requires the restaurant licensee or its employees to attach a dated receipt for the purchase of the wine and meal to the bag or container. Effective 7/12/06.

SB 49—GIFT CARDS TO PURCHASE ALCOHOL

SB49 passed in the 2006 Legislative Session allows all holders of a license under KRS 243.030 and 243.040 to redeem gift cards for the purchase of alcoholic beverages if the customer is over 21. Effective 7/12/06.

HB 129—FAKE ID—POSSIBLE SUSPENSION OF DRIVER'S LICENSES

The Kentucky General Assembly recently passed an amendment to KRS 186.560 stating that underage persons convicted of the use of a fraudulent driver's license or representation of another's driver's license as their own in an attempt to purchase alcohol may be subject to suspension or revocation of their driving privileges. Also, enrollment in an alcohol or substance abuse education or treatment program may be required by an underage violator. Effective 7/12/06.

ADVERTISING PRACTICES REMINDER

Licensees selling distilled spirits and wine are asked to be mindful of 804 KAR 1:100 with regard to general advertising practices.

Please remember:

Outdoor Advertising provided by **distributors** and **wholesalers** shall not contain the name or business designation or any reference to any retail licensee;

Licensees may advertise in newspapers and magazines having a general circulation, on radio and television, and on sporting teams uniforms and/or equipment;

Advertising novelties shall be permitted;

Purchase or consumption of alcoholic beverages shall not be a requirement for receipt of a sale, gift or price reduction of any type of novelty;

Never use the terms "free", "complimentary" or any terms that imply giveaways.

As always, when in doubt, please call our Office at 502/564-4850 with any questions.

ALCOHOL AT PROMOTIONAL EVENTS

The ABC receives a great deal of questions regarding samples of alcoholic beverages and

where samplings may be allowed. Please remember that any business open to the public **must obtain a license** from the ABC **before** having alcohol on the premises (KRS 243.020). This means a business that does not hold an ABC license may not allow free samples of alcoholic beverages given to patrons during public open hours.

RECERTIFICATION FOR STAR PROGRAM

Persons attending the STAR program are certified from the program for a period of three (3) years upon successful completion of the class. As the STAR program has been in existence for over three (3) years, we will soon be implementing a recertification program to enable servers and sellers the opportunity to renew their STAR certification in an abbreviated fashion. Attendees will study the liability sections and the ID checking section only and then be tested as opposed to staying for the entire four (4) hour class. More detail will follow soon.

UPCOMING S.T.A.R. TRAINING DATES

S.T.A.R. (Server Training in Alcohol Regulations) classes educate the industry on responsible sales and service, individual liabilities and fake identifications, as well as Kentucky statutes and Kentucky Administrative Regulations.